

AMENDED IN ASSEMBLY AUGUST 17, 2004

AMENDED IN ASSEMBLY JULY 15, 2004

AMENDED IN ASSEMBLY JUNE 30, 2004

AMENDED IN ASSEMBLY JUNE 9, 2004

AMENDED IN SENATE APRIL 27, 2004

AMENDED IN SENATE APRIL 12, 2004

SENATE BILL

No. 1400

Introduced by Senators Romero and Speier

February 18, 2004

An act to add Section 6133 to the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1400, as amended, Romero. Corrections: Internal Affairs.

Existing law provides for the administration of a system of state prisons under the Department of Corrections within the Youth and Adult Correctional Agency. Existing law establishes the office of the Inspector General, who is responsible for reviewing departmental policy and procedures for conducting audits of investigatory practices and other audits, as well as conducting investigations of the Department of Corrections and related state offices, as specified. Existing statutory and case law provides for some of the procedures by which public employees may be disciplined. Existing law limits the release of certain types of information relating to public employment, including special provisions that protect against the release of information concerning complaints against peace officers, including correctional officers in state prisons.

This bill would establish the Bureau of Independent Review within the office of the Inspector General to provide public oversight of investigations conducted by the Department of Corrections and the Department of the Youth Authority, and to issue reports, as specified, to the Governor and the Legislature.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 6133 is added to the Penal Code, to read:
2 6133. (a) There is created within the office of the Inspector
3 General a Bureau of Independent Review (BIR), which shall be
4 subject to the direction of the Inspector General.
5 (b) The BIR shall be responsible for contemporaneous public
6 oversight of the Youth and *Adult* Correctional Agency
7 investigations conducted by the Department of Corrections'
8 Office of Investigative Services and by Internal Affairs for the
9 Department of the Youth Authority. The BIR shall also be
10 responsible for advising the public regarding the adequacy of each
11 investigation, and whether discipline of the subject of the
12 investigation is warranted. The BIR shall have discretion to
13 provide public oversight of other Youth and *Adult* Correctional
14 Agency personnel investigations as needed.
15 (c) (1) The BIR shall issue regular reports, no less than
16 annually, to the Governor and the Legislature summarizing its
17 recommendations concerning its oversight of Youth and *Adult*
18 Correctional Agency allegations of internal misconduct and use of
19 force. The BIR shall also issue regular reports, no less than
20 semiannually, summarizing its oversight of Office of ~~Investigate~~
21 *Investigative* Services and Internal Affairs investigations pursuant
22 to subdivision (b). The reports shall include, but not be limited to,
23 the following:
24 (A) Data on the number, type, and disposition of complaints
25 made against correctional officers and staff.
26 (B) A synopsis of each matter reviewed by the BIR.
27 (C) An assessment of the quality of the investigation, the
28 appropriateness of any disciplinary charges, the BIR's
29 recommendations regarding the disposition in the case and when
30 founded, the level of discipline afforded, and the degree to which



1 the agency's authorities agreed with the BIR recommendations
2 regarding disposition and level of discipline.

3 (D) The report of any settlement and whether the BIR
4 concurred with the settlement.

5 (E) The extent to which any discipline was modified after
6 imposition.

7 (2) The reports shall be in a form which does not identify the
8 agency employees involved in the alleged misconduct.

9 (3) The reports shall be posted on the Inspector General's Web
10 site and otherwise made available to the public upon their release
11 to the Governor and the Legislature.

O

